

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	CASE NO.: 1:11 CR 070
)	
Plaintiff)	JUDGE DAVID D. DOWD, JR.
)	
-vs-)	
)	
RICHARD PERSA)	<u>MOTION TO CONTINUE TRIAL</u>
)	<u>AND MOTION DEADLINE DATES</u>
Defendant)	
)	

Now comes the Defendant, Richard Persa, by and through counsel, and hereby moves this Honorable Court for an order continuing the trial and motion deadline dates in the above-matter. The reasons in support of this request are contained in the brief attached hereto.

Respectfully submitted,

s/ David L. Grant
DAVID L. GRANT (#0008407)
GRANT & O'MALLEY CO., L.P.A.
1350 Standard Building
1370 Ontario Street
Cleveland, OH 44113
(216) 241-6868
(216) 241-5464 (FAX)
ATTORNEY FOR DEFENDANT

BRIEF

Trial in the instant case is set for April 25, 2011 and the deadline for motion submissions is April 4, 2011. Counsel has recently received discovery which may raise a suppression issue and the need to file a motion addressing the same. Counsel has just completed a three week capital murder trial and has a vacation scheduled for March 25, 2011 to April 4, 2011. Due to counsel's trial schedule, vacation and the press of other business, counsel cannot properly prepare and file a suppression brief by April 4, 2011.

A continuance of the motion submission deadline and trial date for a reasonable period would enable the Defendant to raise his suppression issue and provide the Government with a reasonable period for response. This continuance would serve the ends of justice and outweigh the public's and Defendant's interest in a speedy trial. Counsel has spoken with Assistant U.S. Attorney Phillip Tripi and he has no objection to this request.

Respectfully submitted,

s/ David L. Grant

DAVID L. GRANT (#0008407)
GRANT & O'MALLEY CO., L.P.A.
1350 Standard Building
1370 Ontario Street
Cleveland, OH 44113
(216) 241-6868
(216) 241-5464 (FAX)
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies a copy of the foregoing motion has been filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

s/ David L. Grant

**DAVID L. GRANT (#0008407)
GRANT & O'MALLEY CO., L.P.A.
ATTORNEY FOR DEFENDANT**